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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**

Attorney Docket Number:  
**P00663/70020 (RMA)**

In re Application of: Ohlenbusch et al.  
Application No. 09/643,190  
Filed: August 21, 2000  
Confirmation No. 8702  
For: MONITORING ACTIVITY OF A USER IN LOCOMOTION ON FOOT

10 / Terminal  
D'sclaimer

The owner, Personal Electronic Devices, Inc., 21 Boston Road, Box 730, Southborough, MA, 01772, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,052,654. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record.

**TERMINAL DISCLAIMER  
APPROVED**

AUG 09 2002

Signature

7/23/02

Date

Robert M. Abrahamsen, Reg. No.: 40,886

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